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HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY, NJ 07110

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OFFICE OF PETITIONS

In re Application of :
Ulrich Certa :
Application No. 09/931,733 : DECISION GRANTING PETITION
Filed: 17 August, 2001 :
Attorney Docket No. 20676 :

This is a decision on the petition filed on 8 January, 2002, requesting that the above-identified application, without drawings, be accorded a filing date of 17 August, 2001.

The application was filed on 17 August, 2001, without drawings.¹ Accordingly, on 2 October, 2001, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary.

In response, on 8 January, 2002 (certificate of mailing date 28 November, 2001), the present petition was filed. Petitioner asserts that drawings are not necessary for an understanding of the subject matter sought to be patented. Petitioners request that the application, without drawings, be accorded a filing date of 17 August, 2001.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).² A review of the record

¹35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

²MPEP 601.01(f).

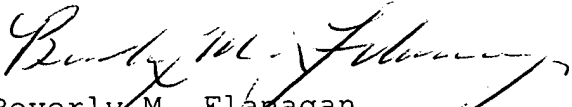
reveals that Claims 1-5, 11-13, and 15-21 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

The petition is granted. The petition fee of \$130.00 will be refunded to counsel's deposit account, No. 08-2525.

The "Notice" mailed on 2 October, 2001, was sent in error and is hereby vacated.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 17 August, 2001, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy